

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JULIE LIO CHU,
Plaintiff,

v.

ADAM DAVID LEE, et al.,
Defendants.

Case No. 16-cv-03670-PJH

**ORDER GRANTING EXTENSION OF
TIME IN WHICH TO SERVE
DEFENDANTS AND DENYING
MOTION TO TESTIFY**

Re: Dkt. Nos. 6, 7

On October 6, 2016, following pro se plaintiff Julie Lio Chu's failure to appear at a scheduled case management conference, the court issued an order to show cause "why the case should not be dismissed with prejudice for (1) failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure; and (2) failure to effect timely service pursuant to Federal Rule of Civil Procedure 4(m)." Dkt. 4.

Chu has filed a response to the order to show cause. Dkt. 7. Although the document is not entirely clear, Chu appears to explain that a hospitalization prevented her from "show[ing] up on 10/11/2016," although the case management conference was actually scheduled on October 6.

Chu has also filed a "request to set a motion date for me to testify." Dkt. 6. As testimony is not appropriate at this stage of a lawsuit, the court DENIES this motion.

In light of Chu's response, the court will not dismiss the complaint at this time pursuant to Rule 41(b) for failure to prosecute. However, Chu must still effect service on the defendants in order for the case to proceed. The court will provide Chu an additional 30 days, i.e., **until November 18**, in which service of the complaint and summons must be made upon defendants, and proof of service filed with the court. If plaintiff does not effect service by this date, the case will be dismissed pursuant to Federal Rule of Civil Procedure 4(m).

As plaintiff is proceeding pro se (without a lawyer), the court also refers plaintiff to the Legal Help Center, which has locations in San Francisco and Oakland and may be able to assist plaintiff in prosecuting her case. As explained in the attached flyer, plaintiff can call (415) 782-8982 to schedule an appointment to speak with an attorney who may provide basic legal help, but not legal representation. Resources for pro se litigants are also available online at <https://cand.uscourts.gov/proselitigants>.

IT IS SO ORDERED.

Dated: October 19, 2016



PHYLLIS J. HAMILTON
United States District Judge